PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , JUNE 11, , 1991

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING June 11 ,1991 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Present , BURNS Present , EDMONDS Present ,
GiaQUINTA Absent , HENRY Present , LONG absent ,
REDD Present , SCHMIDT Present , TALARICO Present ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR May 28 ,19 91
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

16 May 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a street.

The proposed ordinance is designated as:

BILL NO. G-91-03-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
16th day of May 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

G-91-03-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
Greenwalt Avenue south of Norfolk & Western RR tracks and North of Maumee Avenue

Reason for Project

Right of Way is solely used by adjacent property owners.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Otto Bonahoom, attorney representing the petitioners stated that the petitioners owners all of the property adjacent to this right-of-way. He stated the right of way is a short street that runs north off of Old Maumee Avenue. He stated that the right of way presently is used only by his client and no one else. He stated that the client is willing to accommodate any easements for utilities as necessary.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Omni Source Corporation City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

NOTE:
The conditions placed on this approval by the Plan Commission have all been satisfied.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 29 January 1991

Projected Completion or Occupancy Date 16 May 1991

Fact Sheet Prepared by Date 16 May 1991
Patricia Biancaniello

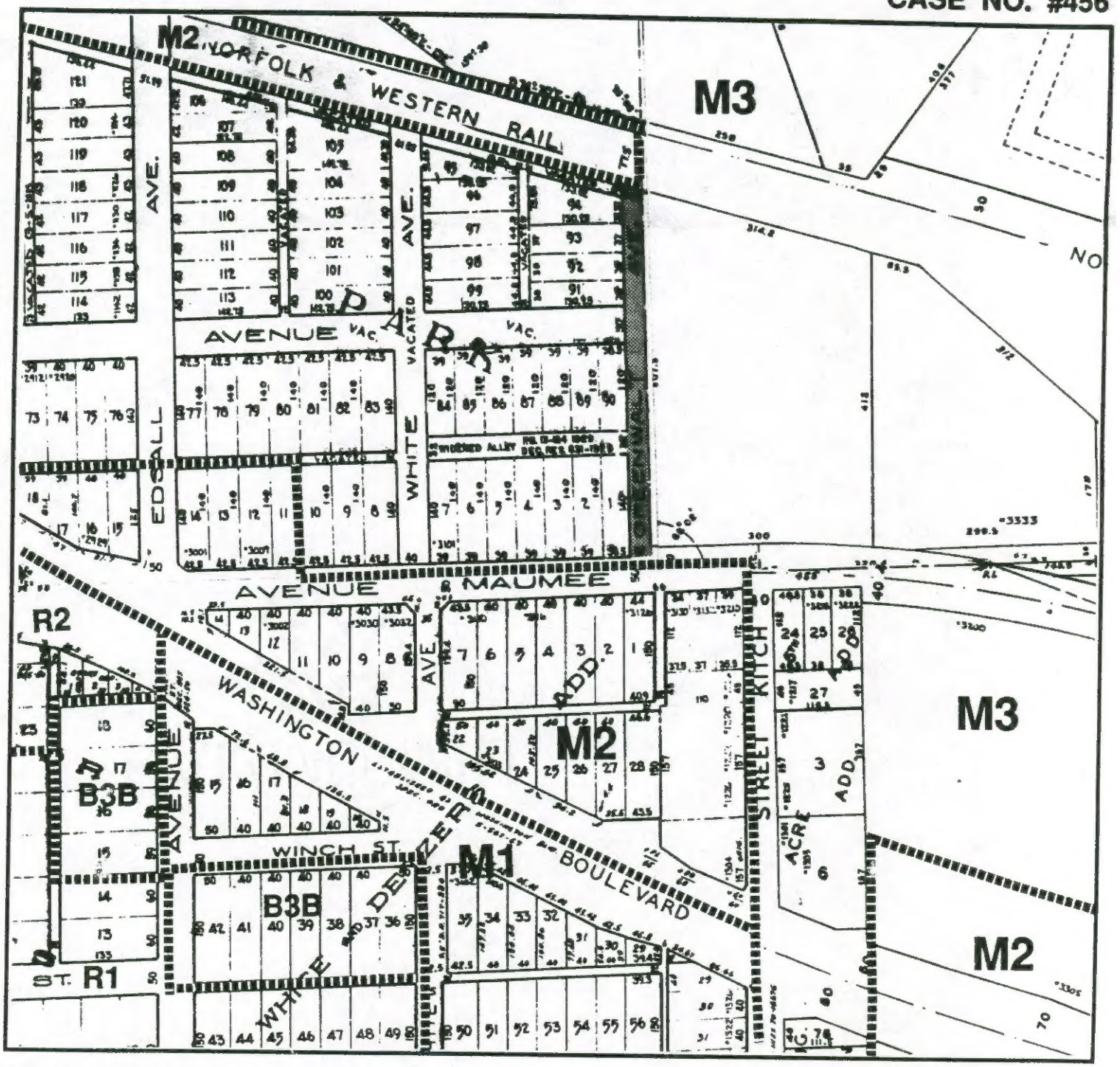
Reviewed by Date 5/24/91
Larry Maglio38

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #456



COUNCILMANIC DISTRICT NO. 1

Map No.: Q-2
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

OMNISOURCE CORPORATION requests the vacation of a public right-of-way.

Location: Greenwalt Street from Maumee Avenue north.

Legal: See file

Land Area: Approximately 0.29 acres

Zoning: The immediate area is zoned M-3

Surroundings:

North	M-2	Railroad
South	M-2	Commercial/Industrial
East	M-3	Commercial/Industrial
West	M-3	Commercial/Industrial

Reason for Request: Right-of-way is solely used by petitioner.

Neighborhood Assoc.: Memorial Park

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

Since Greenwalt Ave. is located within the applicants existing complex the vacation of this street would help maintain the applicants existing investment.

Neighborhood Plan: While this petition falls within the Memorial Park Neighborhood, the Neighborhood Planning staff has no comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioners are the only users of this right-of-way. They own and use the properties located on either side, and the street does not cross the railroad tracks.

This petition meets the evaluation criteria used by the staff in

making a recommendation. The street is apparently not necessary to continued growth of the City, nor will its vacation in any way hinder anyones access to public ways or places. Field inspection verified that the street functions primarily as a driveway to the petitioners property. However, there appears to be a need to maintain utility easements, and any vacation must be contingent upon such easements being granted as necessary.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements as necessary, and for the following reasons:

1) Approval will not hinder anyones access to public ways or places.

2) The right-of-way is not necessary to the continued growth of the City.

3) The right-of-way does not appear to serve any public purpose, and placing it on the tax rolls would be in the best interests of the public.

RESOLUTION 79-55-8

WHEREAS, OMNI SOURCE CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street situated in Fort Wayne, Allen County, to-wit:

Greenwalt Avenue as recorded in Lincoln Highway Park Addition and recorded in Plat Book 7B Page 121, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot #1 in Lincoln Highway Park Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence North along the East line of Lot #1, Lot #90, Lot #91, Lot #92, Lot #93 and Lot #94, and along the West right of way line of Greenwalt Avenue a distance of 506.53 feet to a point on the south right of way line of Conrail Railroad (formerly New York, Chicago & St. Louis Railway); thence Southeasterly with a deflection angle to the right of 105 degrees 00 minutes along the South right of way line of said railroad a distance of 25.65 feet to a point on the East right of way line of Greenwalt Avenue and the East line of the Southeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana; thence South with a deflection angle to the right of 65 degrees 00 minutes along the East right of way line of Greenwalt Avenue and the East line of the SE 1/4 of Sec. 6-30-13 a distance of 499.14 feet to a point 25.0 feet north of the southeast corner of the SE 1/4 of Sec. 6-30-13; thence West with a deflection angle to the right of 88 degrees 25 minutes and parallel to the South line of the SE 1/4 of Sec. 6-30-13 a distance of 25.0 feet to the point of beginning containing 0.289 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort

Wayne Board of Public Works at their meeting held May 22, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 22 DAY OF May, 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

E. Sharon Banks
Chief of Staff

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 18, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort

Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 25, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 15th DAY OF May 1991

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 11th day of June, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of June, 19 91.

Sandra E. Kennedy

City Clerk